

**Exhibit 11 to Plaintiff's  
Supplemental Opposition to  
Defendant Benton Express, Inc.'s  
Motion for Summary Judgment**

## FREEDOM COURT REPORTING

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF ALABAMA  
3                   NORTHERN DIVISION

4                   HAZEL M. ROBY, as                   )  
5                   Administratrix of the Estate        )  
6                   of RONALD TYRONE ROBY,            )  
7                   deceased,                         )  
8   ) CIVIL ACTION FILE  
9   ) NO: 2:05-CV194-T  
10                   Plaintiff,                        )  
11    )  
12                   vs.                                 )  
13    )  
14                   BENTON EXPRESS, INC., et al.,     )  
15    )  
16                   Defendants.                         )

COPY

11                   - - -

15                   Video Deposition of K.J. STAPLER,  
16  
17                   taken on behalf of the Defendants, pursuant to the  
18  
19                   stipulations, agreed to herein, before Meredith B.  
20  
21                   Cohen, Certified Court Reporter and Notary Public  
22  
23                   at 215 Lakewood Way, Atlanta, Georgia, on the 7th  
24  
25                   day of December, 2005, commencing at 12:00 p.m.

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1 vehicle is gone, we will do a Stolen Vehicle Report --

2 Q And in this circumstance -- I am sorry --

3 A In this case, they knew who had the truck.  
4 He had permission to have the truck. So at this point,  
5 we had no evidence that he was trying to steal the  
6 truck. So I told Mr. Jones that he couldn't report the  
7 truck stolen.

8 Q Let me ask you this, sir: I don't if you  
9 were contacted by the opposing parties in this case to  
10 take this deposition, but did anybody tell you that  
11 Mr. Craig Stevens actually called his terminal and told  
12 him he was delayed?

13 A Nobody has ever told me that he called the  
14 terminal.

15 Q Did anybody tell you, on behalf of them,  
16 tell you that Mr. Craig Stevens called a co-worker and  
17 asked him, could he take his Sunday run?

18 A No.

19 Q Did anybody tell you that Mr. Craig Stevens'  
20 assignment was to drive from Pensacola to Atlanta to  
21 pick up a load?

22 A No. I was told that Mr. Stevens was leaving  
23 Atlanta with a load heading for Pensacola; it was a  
24 six-hour trip, and he should have been there and  
25 wasn't; and that's all I know.

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1 Q Did anybody tell you from Benton that  
2 Mr. Craig Stevens was a good reliable employee?

3 A Yes.

4 Q Did anybody tell you from Benton that  
5 Mr. Craig Stevens' supervisor, Glen Clark, stated that  
6 he never thought Mr. Craig Stevens had left the scope  
7 of his employment or had stolen a vehicle?

8 MR. BROCKWELL: Object to the form.

9 THE WITNESS: I am sorry.

10 BY MR. BOONE:

11 Q Did anybody ever report to you that Mr. Craig  
12 Stevens' supervisor has testified in this case that he  
13 never thought Mr. Craig Stevens stole the vehicle?

14 MR. BROCKWELL: Object to the form.

15 THE WITNESS: No, I don't remember hearing  
16 anything about anybody else's testimony.

17 BY MR. BOONE:

18 Q And let me ask you this: On an Overdue  
19 Motorist Report, what would you do, I mean --

20 A Well, being that I was the report taker, this  
21 is all I would do is take the report and forward the  
22 report to my supervisors. It is up to them to assign  
23 an investigator to investigate the case, and they  
24 didn't assign it to me. I don't know who it was  
25 assigned to. That is normal procedure.

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1           Q     Based on your training and experience with an  
2     Overdue Motorist Report, what if you saw that overdue  
3     motorist, what would you do?

4           A     Check on him and make sure he is okay. If no  
5     crime has been committed, he can probably, with a good  
6     explanation, I guess he would be sent on his way.

7           Q     And I think you said -- I want to repeat one  
8     thing I thought you said, "and no crime has been  
9     committed."

10          A     Just on an overdue motorist -- a grown  
11     man can go and come as he pleases; and if he hasn't  
12     committed a crime, then there is no police action that  
13     can be taken towards that individual.

14          Q     And to the best of your knowledge in this  
15     case, was a Stolen Vehicle Report ever filed by Benton?

16          A     No.

17          Q     And being more specific, looking at what we  
18     have marked as Defendants' Exhibit 1, in your  
19     narrative, it did state that Mr. Bill Jones stated that  
20     this trip was approximately a six-hour trip?

21          A     Yes.

22          Q     And it also stated, in the last sentence,  
23     that Mr. Bill Jones said that Mr. Stevens has worked  
24     for the company for over a year; is that correct?

25          A     Yes.